

REMARKS

Reconsideration and allowance of the claims pending in the application are requested.

Claims 1-41 are pending in the application, as follows:

1. Claims 1, 5, 6, 8, 9 and 38 have been objected to for minor informalities.
2. Claims 1-31 and 36-41 have been rejected under 35 USC 112/2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1, 2, 19-23, 28-33 and 35-37 have been rejected under 35 USC 102 (e) as anticipated by Ramamurthy, of record.
4. Claims 3 and 24 have been rejected under 35 USC 103 (a) as being unpatentable over Ramamurthy, of record, in view of Ramberg, of record.
5. Claims 23 and 29 have been rejected under 35 USC 103(a) as being unpatentable over Ramamurthy, of record, in view of USP 6,192,417 to Block et al, issued February 20, 2001, filed March 30, 1999 (hereafter "Block.").
6. Claims 5, 6, 11-17, and 39-41 have been rejected under 35 USC 103(a) as being unpatentable over Ramamurthy, of record, in view of Gershman of record.
7. Claims 4, 25-27 and 34 have been rejected under 35 USC 103(a) as being unpatentable over Ramamurthy in view of Ramberg , both of record, as applied to claims 1 and 3 above, and further in view of USP 6,711,740 to Moon et al., issued March 23, 2004, filed January 17, 2002 (hereafter "Moon ").

Applicants' attorney thanks Supervisory Examiner Doris To and Examiner Saba Tsegaye for the courtesy of a personal interview conducted May 17, 2006. Claims 1, 5, 11, 19, 36, 38, 39 and 40 were discussed. The Examiners agreed the cited art did not show or suggest the combination of a mobile phone for processing transponder data; standardized globally addressable formats in a plurality of different formats; a code in a data packet identifying the format; and indication in the data packet where the data packet is to be processed; an application in the mobile phone for receiving and processing transponder data, and transmitting application data to the transponder. The Examiners will conduct an update search upon the filing of an official amendment.

Claims 1-2, 5, 11, 19, 32, 33, 36-40 have been amended to further clarify the claimed subject matter from the cited art, and overcome (i) the objections/rejections under 35 USC 112/2, and (ii) the rejections under 102 (e) and 103 (a) based on the cited art. New claim 42 has been added to clarify the claimed subject matter of claim 1.

Before responding to the rejection, Applicants would like to summarize the cited art, alone or in combination, with respect to the claimed subject matter, as follows:

Ramamurthy discloses a data collection system including a reader coupled to a RFID transponder and connected to a remote server via the server operating system. The server is coupled to a network and directly serves client computers. The transponder includes a memory for data storage including an IP Address Field and a Port Number field for a data packet. The reader after contact with the transponder routes the data packet to the server for delivery to a client computer or a network interface, according to the IP address field and Port number field.

Ramamurthy fails to disclose or suggest a transponder (i) storing one or more data packets in standardized global addressable format of different data structures and protocols (UDP/IP), (ii) a header in the format including (a) a code identifying the packet format being transmitted and (b) an indication in the packet format indicating processing location of the data packets where received or for transmission to a network for processing. Further, Ramamurthy fails to disclose a reader incorporated into a user mobile terminal, the terminal including applications for processing the data packets and adapted to write into the transponder via the reader.

Ramberg discloses an automated data collection system processing of any data protocol including UDP and TCP. There is no disclosure in Ramberg of an RFID tag (i) storing data packets with different data structures and protocols, (ii) a code in the data packet identifying the data structure and protocol, and (iii) and indication in the data packet that the data packet is to be processed where received or transmitted to a network for processing. In fact, there is no disclosure of a tag in Ramberg. Other than describing TCP/UDP data structures, Ramberg fails to supply the missing features Ramamurthy related to the claimed subject matter.

Block discloses a cluster communication system providing multi-cast addressing. There is no disclosure in Block of applicants claimed subject matter described above in the consideration of Ramamurthy. Other than disclosing multi-cast addressing, Block fails to disclose the missing features in Ramamurthy related to the claimed subject matter.

Gershman discloses a mobile object tracker including a transceiver for locating objects having a RFID tag via electromagnetic radiation. The identities of the objects are determined from the received tag electromagnetic radiation. Gershman does not disclose or suggest a tag including a data packet having a (i) globally addressable format, (ii) a code in the format identifying the format, (iii) an indication in the format indicating the location for processing the data packet, and (iv) an application in a reader writing information into a tag. Moreover, Gershman disclose a vehicle mounted transceiver and fails to disclose a user mobile terminal and the missing features in Ramamurthy related to the claimed subject matter.

Moon discloses a method in a source device supplying an application programming interface (API) command to a destination device via a communications channel. The method includes specifying the API command using first tags having semantics defined based on a generic API document type definition (DTD), and compressing the first tags using selected compression codes to generate compressed data. There is no disclosure in Moon of RF tags storing different data structures; a code to identify the structure, and an indication of the location for processing the tag contents. Moon fails to supply the missing features in Ramamurthy related to the claimed subject matter.

Summarizing, The cited art, alone or in combination, fails to describe the claimed subject matter in respect to (i) a RFID transponder storing one or more data packets of different data structures with different protocols in standardized addressable global format (ii) a code in the data format identifying the data structure, (iii) an indication in the data format providing the processing location for the data packets, (iv) a user mobile terminal including a reader interrogating the RFID transponder, (v) processing the data packets at the user mobile terminal or in a network according to the processing indication in the data format, and (vi) applications in the user mobile terminal interacting with the data packets in the tag via the reader. Without a disclosure of the features (i) – (vi) in the cited art, taken alone or in combination, there is no basis for a worker skilled in the art to implement the claimed subject matter.

Moreover, modifying Ramamurthy with the secondary art would not implement the claimed subject matter or be operative due Ramamurthy routing data packets in a reader or a server, according to a table and not according to a data address in the header of a standardized addressable global format. The rejection of claims 1-41 under 35 USC 102 (e) or 103 (a), as the case maybe, is without support in the cited art. Withdrawal of the rejection and allowance of claims 1-41 are requested.

Now turning to the rejection, Applicants responds to the indicated paragraphs of the Office Action, as follows:

Paragraph 2:

Claims 1, 5 and 38 have been amended to overcome the objections due to the informalities. Withdrawal of the objections is respectfully requested.

Paragraph 3:

Claims 1, 5, 11, 19, 36-40 have been amended to overcome rejections under 35 USC 112, Second Paragraph. Withdrawal of the rejections is respectfully requested.

Paragraph 4:

Claims 1, 2, 19-23, 28-33 and 35-37, as amended, include features not disclosed in Ramamurthy and overcome the rejection under 35 USC 102 (e), as follows:

A. Claim 1:

(i) “data storage means capable of storing packetized data in a plurality of different standardized and globally addressable data formats transportable in a distributed information network comprising an Internet”;

Ramamurthy at column 6, lines 5-16 and column 5, line 65 –column 6, line 14 and Figure 3 discloses a single data packet stored in the transponder memory 58. In contrast, applicants describe at page 12, lines 16-22 and shown in Figure 1, one or more data packets of different data structures and protocols. Ramamurthy fails to disclose one or more data packets in a transponder memory, where the data packets may be of different data structure types.

(ii) “identifying code in a header in the standardized and globally addressable data format, the code identifying the alternative data format structure types and protocols in the stored packetized data of different formats; and”

Ramamurthy at column 7, lines 40-55 discloses an IP Address and a Port Number in the tag data. There is no disclosure in Ramamurthy of a tag including a header in a data format, the header identifying alternative data structures, as described in the specification at page 12, lines 16-22; page 13, lines 3-8, and shown in Figure 1.

(iii) “an indication in the header whether the packetized data should be processed locally at a reader device communicating with said transponder or sent to an external destination for processing.”

Ramamurthy at column 6, lines 15-41 discloses the server includes a table for routing the data packets. There is no disclosure in Ramamurthy of an indication in the data format indicating the location for processing the data as described in the specification at page 17, line 1 – 19.

Ramamurthy fails to disclose the subject matter of items (i) – (iii) above. The rejection of claim 1 is without support in the cited art. Withdrawal of the rejection and allowance of claim 1 are requested .

B. Claim 2:

Claim 2 further defines claim 1 and is patentable on the same basis as claim.

C. Claims 19 and 36:

(i) “receiving and sending a data packets in a standardized and globally addressable formats in a plurality of different data structures and protocols including a header and a payload from and to the data carrier;”

Ramamurthy at column 6, line 54-column 7, line 10 describes a reader communicating with a transponder. Column 5, line 65-column 6, line 14 describes the transponder storing a data packet in an IP format. Ramamurthy fails to disclose receiving and sending data packet s which may be of different data structures and protocols, as described in the specification at page 6, lines 5-10.

(ii) “identifying a the format among the different formats of the data packet via a code in the ~~data packet~~ the header including an indication whether the data packet should be processed locally at a reader device communicating with a transponder or sent to an external destination for processing;”

Ramamurthy at column 6, lines 15-41 fails to disclose a code selecting a data format and an indication indicating the location for processing the data for the same reasons indicated in connection with the consideration of claim 1.

(iii) “routing the processed data packet directly to a destination address defined in the standardized and globally addressable format or to a local address of an application running in ~~the~~ a receiver, according to the indication in the data packet.”

Ramamurthy at column 6, lines 15-41 discloses the server routes the data according to a table. There is no disclosure in Ramamurthy of processing the data in the server or in the reader.

Ramamurthy fails to disclose the features (i) - (iv) above. The rejection of claims 19 and 36 is without support in the cited art. Withdrawal of the rejection of claims 19 and 36 under 35 USC 102 (e) and allowance thereof are requested.

C. Claims 20, 21, 22, 24, 28, 30 and 31 depend from and further describe the subject matter of claim 19 or 36, as the case may be, and are patentable over the cited art on the same basis as their related independent claim.

D. Claim 32:

(i) “determining if a tag is writeable and, if so, alerting an application program executable in a mobile phone device or a network to prepare to transmit data after a reader completes a handshake with the tag;”

Ramamurthy at column 7, lines 11-39 and Figure 4 discloses the reader 40 processing data from the tag 50 and sending the data to a server if the address and protocol are known or sending the data to a generic processor if the an IP address and protocol can not be detected. The cited art does not relate to writing data into a tag, as described in applicants’ specification at page 18, step 4.

(ii) “transmitting the data to the reader from the application program in the mobile phone device or the network for retransmission of the data to the tag;”

Ramamurthy at column 4, line 56-column 5, line 10 discloses processing data from the tag according to instruction sets provided by the server.

(iii) “receiving and storing the transmitted data in the tag from the application or network which may include over-writing the data in an erasable read-only memory included in the tag; and”

Ramamurthy at column 5, line 22-column 6, line 14 continues to describe processing tag data at the reader processor whereas the claimed subject matter describes writing data into the tag from an application in the mobile device or the network.

Ramamurthy fails to disclose the subject matter of claim 32. The rejection of claim 32 under 35 USC 102 (e) is without support in the cited art. Withdrawal of the rejection and allowance of claim 32 are requested.

E. Claim 33:

(i) “at least one data carrier capable of having at least one data packet embedded therein in a standardized and globally addressable formats, in a plurality of different data structures and protocols, the data packet including an indication whether the data packet should be processed locally at a mobile phone device or sent to an external destination address;”

Ramamurthy at column 5, line 65-column 6, line 14 describes the standardized addressable packets are solely IP packets whereas applicants data packets are of different standardized data packets. Further there is no indication in the Ramamurthy packets for local or remote processing/

(ii) “a data receiving (reading) device or data sending (writing) device in the mobile phone device for receiving or sending the at least one embedded data packet from the said at least one data carrier;”

Ramamurthy at column 4, lines 45-50 describes the server routing messages over a network. Column 6, line 54-column 7, line 11 describes the reader reading a valid tag. Neither cited reference describes the reader writing/sending data to the tag.

(iii) “a data routing device in the mobile phone device including an IP stack connectable to the data receiving device for routing the received data packet directly to a destination address, via the IP stack according to the destination address in the data packet;”

Ramamurthy at column 4, lines 2-11; column 7, lines 51-55 discloses a reader accesses a table for an address to send the packet. In contrast, applicants’ specification at page 17, lines 1 – 19 discloses a data routing device sends the a data packet to a destination address via an IP stack in the data routing device.

(iv) “an application at a local address in the data ~~receiving~~ routing device receptive to the selected standardized and globally addressable format for receiving and processing the routed received data packet, according to the indication in the data packet.”

Ramamurthy at column 7, lines 17-19; line 45-55 discloses the reader processes the tag data according to an instruction set provided by the server whereas applicants disclose in the specification at page 6, lines 10-16 an application running in the data routing device or mobile device processes the tag data.

Ramamurthy fails to describe the subject matter of claim 33, as indicated above in the consideration of items (i)-(iv). Withdrawal of the rejection and allowance of claim 33 are requested.

F. Claim 35:

Claim 35 is patentable over the cited art on the same basis as claim 33

G. Claim 37:

Claim 37 further defines the transponder of claim 1 and is patentable over the cited art on the same basis as claim 1.

Paragraph 5:

Claims 3 and 24 further define independent claim 1 and 19 and are patentable over Ramamurthy in view of Ramberg, the cited art, on the same basis as the independent claim from which they depend.

Paragraph 6:

Claims 23 and 29 further define independent claim 1 and 19 and are patentable over Ramamurthy in view of Block, the cited art, on the same basis as the independent claim from which they depend.

Paragraph 7:

Claims 5, 6 11-17, and 39-41, as amended, include features not disclosed or suggested in Ramamurthy in view of Gershman, and overcome the rejection under 35 USC 103 (a), as follows:

A. Claims 5 & 11:

(i) “signal apparatus capable of transmitting activation signals to at least one RFID transponder and receiving packetized datagrams in standardized and globally addressable data formats in a plurality of different data structures and protocols transportable in a distributed information system comprising the an Internet from the at least one transponder, the packetized datagrams including an indication whether received packetized datagrams should be processed locally at the mobile phone device or sent to an external destination address.”

Ramamurthy at column 5, lines 10-39; column 5, line 65-column 6, line 14 discloses an RFID reader 40 and a tag memory 58 for data storage including fields for an IP Address and a Port Number. There is no disclosure in the reference of storing data packets of different data structures and protocols or an indication in the stored data indicating the processing location, as described in applicants’ specification at page 17, step 6. ~

(ii) “reading apparatus processing the packetized datagrams from a transponder for delivery to at least one of a local application in the mobile phone device and an external destination address in a standardized and globally addressable data format;”

Applicants can find no disclosure in Ramamurthy or Gershman, nor has the Examiner identified any disclosure in the cited art relating to the reader processing the transponder data for transmission to an application in a mobile device or to a network. Ramamurthy delivers the data to a server for distribution to client computers. Gershman processes the data to identify a stored object.

(iii) “a communication protocol stack in the mobile phone device routing the packetized datagrams in the standardized and globally addressable data format to at least one of the local application in at the mobile phone device ~~and~~ or the external destination address based on the received indication, and”

Ramamurthy at column 5, line 40-column 5, line 10; column 6, lines 15-41 discloses a reader including a processor for processing the tag data according to stored instructions and communicating with a server. Applicants can find no disclosure nor has the examiner identified any disclosure in the cited art of a mobile device routing the tag data to an application in the mobile device or to an external destination address.

Summarizing, Ramamurthy fails to disclose the features (i) - (iii) described above. Gershman only discloses a mobile transceiver and fails to supply the missing features in Ramamurthy. The rejection of claims 5 & 11 under 35 USC 103 (a) is not supported in the cited art. Withdrawal of the rejection and allowance of claims 5 and 11 are requested.

B. Claims 6, 12-17:

Claims 6, 12-17 depend from and further define independent claim 5 or 11, as the case may be, and are patentable on the same basis as the independent claim from which they depend.

C. Claim 39

(i) “a transponder capable of containing packetized datagrams in standardized and globally addressable data formats, in a plurality of different data structures and protocols transportable in a network and responsive to activation signals, the packetized datagrams including an indication whether received packetized data should be processed locally ~~at a device where received~~ or sent to an external destination address;”

Ramamurthy at column 5, line 65-column 6, line 14 discloses only a standardized IP packet and fails to disclose standardized packets of different data structures and protocols.

(ii) “a mobile phone device ~~terminal~~ generating the activation signals and sending/receiving the packetized datagrams to/from the transponder;”

Gershman at column 4, lines 36-50 discloses a transceiver mounted on a vehicle. Applicants disclose a user mobile telephone 102 or the like, as shown and described in connection with Figure 1.

(ii) “a reader in the mobile phone device ~~terminal~~ processing the packetized datagrams transmitted from the transponder for delivery to a the network or a local application in the mobile phone device ~~reader in a standardized and globally addressable data format~~ without alteration of the packetized datagrams wherein the communication protocol stack parses a header in the packetized datagram and routes the packetized datagram to a destination, according to ~~the~~ an indication in the packetized datagrams if a checksum in the packetized datagram is valid.”

Ramamurthy at column 6, lines 22-25 and column 7, lines 49-51 discloses the computer and/or the reader access a table based on the packet destination address to direct the packet to its destination. Accordingly, Ramamurthy alters the packets address whereas applicants direct the packet directly to the address without alteration and according to an indication in the packet, as described in the specification at page 7, lines 4-8.

Summarizing, Ramamurthy and Gershman, alone or in combination fail to show or disclose the features (i) and (ii) described above. Moreover, it would be unlikely that a worker skilled in the art would adapt the mobile transceiver of Gershman to the computer system of Ramamurthy to implement the subject matter of claim 39. The rejection of claim 39 is without support in the cited art. Withdrawal of the rejection and allowance of claim 39 are requested.

C. Claim 40:

Claim 40 includes the claimed features of claim 39, and is patentable over the cited art on the same basis as claim 39

Paragraph 8:

Claims 4, 25-27 and 34, as amended include feature not disclosed or suggested in Ramamurthy in view of Ramberg and Moon, and overcome the rejection under 35 USC 103 (a), as follows:

A. Claims 4, 25-27 and 34:

Claims 4, 25-27 depend from and further define independent claim 1, 19 and 33, as the case maybe, and are patentable on the same basis as the claim from which they depend.

Paragraph 9:

Claims 7-10, 18 and 38 , as amended, include features not disclosed or suggested in Ramamurthy in view of Gershman and in further view of Ramberg and Moon, and overcome the rejection under 35 USC 103 (a), as follows:

A. Claims 7 - 10, 18

Claims 7 – 10, and 18 depend from and further define independent claims 5 and 11, as the case maybe, and are patentable on the same basis as the independent claim from which they depend.

.B. Claim 38

Claim 38 includes the features of claim 39 and is patentable over the cited art on the same basis as claim 39.

Paragraph 10:

A. Rebuttal to Examiner's Arguments

1. Determination of Local or Network Processing of Tag Data:

Ramamurthy at column 7, lines 29-39 discloses the reader sends the tag data to a generic processor if the tag data is unknown or custom. Alternatively, Ramamurthy at column 7, lines 40-44 discloses the tag data is sent to the computer if the tag address is known.

Ramamurthy fails to disclose the user terminal processing the tag data in the mobile terminal if an indication (loop-back address) is present or sending the tag data to the destination if the indication is not present, as described in applicants' specification at page 17, lines 1-19

2. The Ramamurthy computer determines local processing or external processing

Ramamurthy at column 7, lines 11-55 and Figure 5 discloses the reader processor 46 processes the tag data and not the server 22 or computer.

3. Ramamurthy and Gershman disclose standardized data packets delivered to a local address or a network address.

Ramamurthy only discloses TCP packets whereas applicants disclose standardized addressable packets of different data structures and protocol.

Applicants' submit, for the reasons indicated above, the Examiner's arguments are without merit.

Patentability Support For New Claim 42:

Claim 42 follows claim 1 wherein one packetized data is stored in different data structures and protocols. Ramamurthy discloses the one packet stored in the transponder is always in the same data structure and protocol. Ramamurthy fails to disclose the claimed subject matter. Entry and allowance of claim 42 are requested.

CONCLUSION:

Having amended claims 1-2, 5, 11, 19, 32, 33, 36-40 to overcome the objections and rejections under 35 USC 112/2, 102 (e) and 103 (a); supported the patentability of new claim 42, and responded to the Examiner's Arguments, applicants request entry of the amendment, allowance of the claims and passage to issue of the case.

AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4134. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4134. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 22, 2006 By:

Joseph C. Redmond, Jr.
Joseph C. Redmond, Jr.
Registration No. 18,753
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101